

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

MAY 29 2007

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

RHETT SMITH,

Plaintiff,

v.

JOHN HAGEE,
JOHN HAGEE MINISTRIES,
a corporation,
JOHN HAGEE ENTERPRISES,
also known as Cornerstone Church,
a corporation,
CHRISTIANS UNITED FOR ISRAEL,
a corporation, and
GEORGE BUSH, President of the
United States,

Defendants.

CIVIL ACTION NO.

SA-06-CA-0902 RF (NN)

O R D E R

Before the Court is the status of the case.

On March 5, 2007, United States Magistrate Judge issued a Memorandum and Recommendation (“M&R”) (docket entry no. 20), recommending that all claims against all of the defendants be dismissed as plaintiff Smith has failed to allege state action and failed to state a claim upon which relief may be granted. On May 10, 2007, plaintiff filed a Notice of Appeal (docket entry no. 24). As plaintiff, who proceeds *pro se*, did not file any objections to the M&R the Court in an abundance of caution, herein construes the notice of appeal as objections to the M&R.

The Court has conducted an independent review of the record, a *de novo* review of the matters raised by plaintiff Smith’s objections, and has reviewed the applicable law. See 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). The Court concludes that plaintiff Smith’s objections lack merit,

and they are **OVERRULED**. The Court further concludes that the M&R should be and is **ACCEPTED** in it's entirety. Accordingly, it is further **ORDERED** that the Hagee defendants' motion to dismiss (docket entry no. 5) is **GRANTED**; plaintiff Smith's motion to amend his complaint (docket entry no. 9) is **DENIED**; defendant's motion to dismiss (docket entry no. 12) is **GRANTED**; and plaintiff Smith's complaint and all claims against all defendants therein (docket entry no. 2) is hereby **DISMISSED** with prejudice. It is further Ordered that any and all other pending motions are **DENIED** as moot.

It is so **ORDERED**.

SIGNED this 29th day of May, 2007.

Royal Furgeson
W. Royal Furgeson
UNITED STATES DISTRICT JUDGE